

REGULAR MEETING OF THE CITY COUNCIL:

Austin, Texas, November 5, 1931.

The Council was called to order by the Mayor. Roll call showed the following members present: Councilmen Alford, Gillis, Mayor McFadden, Councilmen Mueller and Steck, 5; absent, none.

The Minutes of the last meeting were read and Councilman Gillis moved the adoption of same as read. Motion was seconded by Councilman Mueller and same prevailed by the following vote: Ayes, Councilmen Alford, Gillis, Mayor McFadden, Councilmen Mueller and Steck, 5; nays, none.

Horace Barnhart, representing the Shriners, appeared before the Council and asked for an extension of one week's time on the permit granted the Harley Sadler Show, offering, if granted this additional week, to donate the proceeds from one day's performance to the Community Chest. Skinny Fryor, Manager of the Grand Central Theatre, was present and protested the granting of this request, stating that said show was greatly damaging the business of the moving picture shows of the City.

Councilman Mueller moved that the above request for an extension of the permit granted the Harley Sadler Show be denied. Motion was seconded by Councilman Gillis and same prevailed by the following vote: Ayes,, Councilmen Alford, Gillis, Mayor McFadden, Councilmen Mueller and Steck, 5; nays, none.

The Mayor laid before the Council the following resolution:

WHEREAS, W. D. Anderson, Agent for Mrs. Mary Foster, filed on September 15, 1931, an application with the Building Inspector for a building permit to construct a one room addition to her building located at 1407 East 1st Street, same being Lot 4, Block 1, Outlots 34 and 36, Division "O" of the City of Austin; and

WHEREAS, this lot is located in the "O" Commercial Use District in the FIRST HEIGHT AND AREA DISTRICT; and

WHEREAS, the Building Inspector refused to issue the permit because the addition would not comply with the setback requirements in the FIRST HEIGHT AND AREA DISTRICT; and

WHEREAS, the inclusion of East 1st Street in the FIRST HEIGHT AND AREA DISTRICT originally was an over-sight; and

WHEREAS, it is the intention of the City Council to change the HEIGHT AND AREA DISTRICTS of East 1st Street from FIRST HEIGHT AND AREA to SECOND HEIGHT AND AREA; and

WHEREAS, the City Engineer has recommended the establishment of building lines on East 1st Street on the basis of the width of the street of 60 feet; and

WHEREAS, to further delay Mary Foster in the construction of an addition to her building would work an unnecessary hardship on her, therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT the Building Inspector is hereby authorized to issue Mary Foster a temporary permit to construct an addition to her building at 1407 East 1st Street, the north building line of said addition to be on or south of a line 20 feet south of and parallel to the established monument line on East 1st Street; and

THAT said temporary permit shall be replaced with a permanent permit as soon as the City Council has changed the HEIGHT AND AREA DISTRICT and established a building line.

The above resolution was adopted by the following vote: Ayes, Councilmen Alford, Gillis, Mayor McFadden, Councilmen Mueller and Steck, 5; nays, none.

The following report of the City Engineer was read and referred to the City Attorney for preparation of the necessary papers in accordance therewith:

"Austin, Texas, November 5, 1931.

Mr. Adam R. Johnson,
City Manager,
Austin, Texas.

Dear Sir:

Pursuant to your instructions, I have made a survey of the relative location of existing buildings and the line of East 1st Street between East Avenue and the east City Limits, and find that the following conditions exist:

According to the old original records this street should be 80 feet wide, but according to the use of this street it has never been more than 60 feet wide. I find that seven buildings on the south side of 1st Street have been built right on the line of the street when same is considered 60 feet wide, and that seven buildings have been built right on the north line of East 1st Street. The width between curbs on this street is 36 feet and there is a street car in the middle of the street. Considerable difficulties have been experienced in the flow of traffic through this street when automobiles have been parked adjacent to the curb. Inasmuch as the legal description of the property on the south side of the street appears to conflict with the original established width of East 1st Street, the Zoning Board of Adjustment has requested that a building line be established for East 1st Street between East Avenue and Chicon Street. In addition to the fourteen buildings which have been placed right upon the line of East 1st Street as used, other buildings have been placed very close to these lines. I find that it would be possible to widen the street five feet on each side and still leave the sidewalk seven feet wide on each side of the street, increasing the width between curbs to 46 feet. This would be a great relief. Inasmuch as the expense of moving the existing fourteen buildings which are already upon the street line as now used, and the expense of moving other buildings which are close to the street line would be great, I recommend that it would be best to get along with conditions as they are without acquiring any additional property.

I have made a recommendation which I have submitted to H. F. Kuehne, Chairman of the Board of Adjustment, a copy of which letter accompanies this report to you. This letter makes the recommendation in terms properly describing the proposed building line, which description could be used in either a resolution or an ordinance. I assume that Mr. Kuehne will present a recommendation to you on this matter at the same time you receive this communication.

Respectfully submitted,

(Sgd) Orin E. Metcalfe,
City Engineer. "

A communication from L. Gay, relative to controversy between him, the Building Inspector and the City Engineer as to fees charged for permit for filling station at 2001 Garden Street was read and referred to the City Engineer for a report on the matter.

A letter from J. W. DeWeese, State Fire Insurance Commissioner, advising that a reduction from 18¢ to 17¢ had been made in the Key Rate for the City of Austin, effective November 1, 1931, due to installation by the City of a new aerial truck and the proper enforcement of the Electrical Ordinance, was read and filed.

A communication from A. R. W. Stoegen, of United States Weather Bureau, relative to installation of Weather Bureau Airways Observer at Mueller Field, was read and referred to the City Manager for attention.

Reports of L. E. Whitham & Company and H. R. F. Helland, Consulting Engineer, stating that the paving has been completed on North Guadalupe Street from the south line of Twenty-ninth Street to the south line of East Drive in Central Park, known as Unit No. P-178, North Guadalupe Street from the south line of East Drive in Central Park to the south line of Thirtieth Street, known as Unit No. P-179; and Twenty-Ninth Street from the west line of North Guadalupe Street to the east line of Guadalupe Street, known as Unit No. P-180, according to plans and specifications for such work, and recommending the acceptance of same, were read and filed.

The Mayor then laid before the Council the following resolution:

RESOLUTION OF THE CITY OF AUSTIN, TEXAS, ACCEPTING THE IMPROVEMENT OF NORTH GUADALUPE STREET AND SUNDRY OTHER STREETS, IN THE CITY OF AUSTIN, AND AUTHORIZING THE PAYMENT OF THE BALANCE DUE BY THE CITY OF AUSTIN AND THE ISSUANCE AND DELIVERY OF CERTIFICATES OF SPECIAL ASSESSMENT AGAINST OWNERS OF ABUTTING PROPERTY.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That, Whereas, heretofore the hereinafter described streets were ordered improved, contract for said work of improvement duly entered into, and assessment levied against abutting property and the owners thereof to cover the portion of the cost payable by the said property owners; and

WHEREAS, pursuant to said contract and other proceedings in connection therewith, L.E. Whitham & Company has completed the improvement of the following streets, to-wit:

NORTH GUADALUPE STREET from south line of Twenty-Ninth Street to south line of East Drive in Central Park, Unit No. P-178;

NORTH GUADALUPE STREET from south line of East Drive in Central Park to south line of Thirtieth Street, Unit No. P-179;

TWENTY-NINTH STREET from west line of North Guadalupe Street to east line of Guadalupe Street, Unit No. P-180.

Each unit or district shall be and constitute an entirely and wholly separate and independent unit of improvement, the same as if contracted for in separate and distinct contracts. The construction of improvements in each separate unit or district shall be wholly independent of the construction in any other unit or district. The assessments to be levied in each unit or district shall be made according to the cost of the improvements in that particular unit or district, and in accordance with the benefits accruing to the property by reason of said improvements in that particular unit or district, wholly and entirely independent of the cost and of the benefits accruing by reason of the improvements in any other unit or district.

WHEREAS, said improvement is in strict compliance with the terms of said contract, specifications adopted for said improvement, and other proceedings in connection therewith;

Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That said improvement on said portion of said streets be and the same is hereby accepted as in full compliance with the terms of said contract, specifications and proceedings, and the final estimate due from the City of Austin to L. E. Whitham & Company be and the same is hereby ordered paid.

That the Mayor and City Clerk be and are hereby authorized and instructed to issue, execute and deliver to L. E. Whitham & Company certificates of special assessment against the abutting property and the owners thereof, evidencing the several sums of money assessed against said property and the owners thereof respectively for their pro rata of the cost of said improvement, in accordance with the terms of said contract and proceedings.

The above resolution was adopted by the following vote: Ayes, Councilmen Alford, Gillis, Mayor McFadden, Councilmen Mueller and Steck, 5; nays, none.

The Council approved an estimate submitted by Albert R. Davis, Superintendent of Water Department, in the amount of \$7469.00, for installation of 8" water line on 19th Street from Comal Street to Singleton Avenue, a 6" line on 19th Street from Singleton Avenue to Walnut Avenue, a 6" line on Walnut Avenue from 14th Street to 19th Street, a 6" line on 14th Street from Walnut Avenue to Cedar Street, and a 6" line on Singleton Avenue from 14th Street to 16th Street, a total distance of 6440', and authorized the City Manager to proceed with the work.

The Mayor laid before the Council the following:

*** That this resolution shall take effect and be in force from and after its passage.

"Austin, Texas, November 4, 1931.

Mr. Adam R. Johnson,
City Manager,
Austin, Texas.

Dear Sir:

Whereas, on the 2nd day of November, 1931, Mr. B. E. Howell made application for a permit to install one 550 gallon underground gasoline storage tank and one 10 gallon visible type gasoline pump at his place of business located at 1312 South Congress Avenue, such equipment to be used for private use only, and

WHEREAS, this location is within the "C" Commercial Use District according to the City Zoning Ordinance; and

WHEREAS, Mr. Howell intends to make such gasoline equipment installation and operation in accordance with all City Ordinances, therefore we recommend that Mr. B.E. Howell be granted a permit by the City Council for the installation of the above mentioned equipment.

Signed:

Orin E. Metcalfe,
City Engineer.

G. S. Moore,
Building Inspector. "

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT the City Council of the City of Austin hereby approves 1312 South Congress Avenue as a location for the installation of a tank and pump for the handling of gasoline for private use only, and hereby authorizes B. E. Howell to install and operate such equipment. The installation and operation of such equipment shall be in accordance with all City Ordinances, and the permits for same shall be secured from the City Building Inspector as provided by Ordinance, and the Building Inspector is hereby authorized to issue an occupancy permit for the operation of this equipment after full compliance with all of the provisions of this resolution, and said permission shall be held to be granted and accepted subject to all necessary, reasonable and proper, present and future regulations and Ordinances of the City of Austin, Texas, in the enforcement of proper police, traffic and fire regulations; and the right of revocation is retained if, after hearing, it is found by the City Council that B. E. Howell has failed and refused and will continue to fail and refuse to perform any such conditions, regulations and ordinances.

The above resolution was adopted by the following vote: Ayes, Councilmen Alford, Gillis, Mayor McFadden, Councilmen Mueller and Steok, 5; nays, none.

The Mayor laid before the Council the following resolution:

WHEREAS, Texas Public Service Company has presented to the City Council tentative maps or plans showing the proposed construction of its gas mains in the streets in the City of Austin hereafter named, and said maps or plans have been considered by the City Council; therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT Texas Public Service Company be and the same is hereby permitted to lay and construct its gas mains in and upon the following streets:

(1) A gas main in EAST THIRTY-SIXTH STREET ALLEY from Montrose Street east to Waller Creek, the center line of which gas main shall be 18 feet south of and parallel to the north line of said East Thirty-sixth Street Alley.

(2) A gas main in EAST THIRTY-FIFTH STREET ALLEY from a point approximately 133 feet east of Montrose Street, east to Waller Creek, the center line of which gas main shall be 5 feet south of and parallel to the north line of said East Thirty-fifth Street Alley. Said gas main described above shall have a cover of not less than 3 feet.

(3) A gas main in EAST TWENTY-NINTH STREET beginning at a point 10 feet north of and 29 feet west of the intersection of the center line of Duval Street and the south line of East Twenty-ninth Street.

Thence in a westerly direction, 10 feet north of and parallel to the south line of said East Twenty-ninth Street, a distance of approximately one block to the north or northeast line of Waller Creek Boulevard. Said gas main described above shall have a cover of not less than 3 feet.

(4) A gas main in Duval Street beginning at a point 10 feet north of and 29 feet west of the intersection of the center line of Duval Street and the south line of East Twenty-ninth Street.

Thence in a northerly direction 29 feet west of and parallel to the center line of Duval Street a distance of approximately one-half block to a point 29 feet west of and 18 feet south of the intersection of the center line of East Thirtieth Street and the center line of Duval Street. Said gas main described above shall have a cover of not less than 3 feet.

(5) A gas main in EAST THIRTIETH STREET beginning at a point 18 feet south of and 29 feet west of the intersection of the center line of Duval Street and the center line of East Thirtieth Street.

Thence in a westerly direction, 18 feet south of and parallel to the center line of said East Thirtieth Street a distance of approximately one block to Waller Creek Boulevard. Said gas main described above shall have a cover of not less than 3 feet.

(6) A gas main in CATALPA STREET from Navasota Street to Branch Street, the center line of which gas main shall be 11 feet north of and parallel to the south line of said Catalpa Street. Said gas main described above shall have a cover of not less than 3 feet.

The Texas Public Service Company is hereby put upon notice that the City of Austin does not guarantee that the space assigned above is clear from other underground utilities, but is based upon the best records we have at hand, and that the minimum depth stated does not have any reference to the fact that greater depths may be required at special points. When the Texas Public Service Company requires definite information upon the ground as to elevations or working points from which to base the location of their assignments they shall apply to the City Engineering Department not less than three (3) days before such information is required. The Texas Public Service Company is further put upon notice that they will be required to bear the expense of repairs or replacement of any underground utility damaged during the construction of lines named in this resolution.

AND THAT wherever pavement is out in the vicinity of a fire plug, water must be used at intervals during the course of back filling of the ditches.

THAT the work and laying of said gas mains, including the excavation in the streets and the restoration and maintenance of said streets after said mains have been laid, shall be under the supervision and direction of the City Manager, and under all the pertinent terms and conditions of the certain franchise granted to said company by the City of Austin.

The above resolution was adopted by the following vote: Ayes, Councilmen Alford, Gillis, Mayor McFadden, Councilmen Mueller and Steck, 5; nays, none.

The Mayor laid before the Council for its second reading the following ordinance:

ORDINANCE PROVIDING FOR CHANGING CONTRACT BETWEEN CITY OF AUSTIN, TEXAS, AND SOUTHWEST BITULITHIC COMPANY, DATED SEPTEMBER 23, 1931, SO FAR AS THE SAME APPLIES TO UNIT OR DISTRICT NO. P-184, SO AS TO CHANGE THE LIMITS OF SAID UNIT OR DISTRICT.

The ordinance was read the second time and Councilman Mueller moved a suspension of the rule and the placing of the ordinance on its third reading. Motion was seconded by Councilman Alford and same prevailed by the following vote; Ayes, Councilmen Alford, Gillis, Mayor McFadden, Councilmen Mueller and Steck, 5; nays, none.

The ordinance was read the third time and Councilman Mueller moved that same be finally passed. Motion was seconded by Councilman Alford and same prevailed by the following vote: Ayes, Councilmen Alford, Gillis, Mayor McFadden, Councilmen Mueller and Steck, 5; nays, none.

The Mayor laid before the Council for its second reading the following ordinance:

ORDINANCE CANCELLING CONTRACTS BETWEEN SOUTHWEST BITULITHIC COMPANY AND THE CITY OF AUSTIN, PROVIDING FOR THE IMPROVEMENT OF PORTIONS OF RIVERSIDE DRIVE, FOURTEENTH STREET, SABINE STREET, AND TRINITY STREET, ALL IN THE CITY OF AUSTIN, TEXAS.

The above ordinance was read the second time and Councilman Mueller moved a suspension of the rule and the placing of the ordinance on its third reading. Motion was seconded by Councilman Alford and same prevailed by the following vote: Ayes, Councilmen Alford, Gillis, Mayor McFadden, Councilmen Mueller and Steck, 5; nays, none.

The ordinance was read the third time and Councilman Mueller moved that same be finally passed. Motion was seconded by Councilman Alford and same prevailed by the following vote: Ayes, Councilmen Alford, Gillis, Mayor McFadden, Councilmen Mueller and Steck, 5; nays, none.

The Mayor laid before the Council the following resolution, which had been introduced at the last regular meeting and laid over:

RESOLUTION DECLARING THE NECESSITY FOR AND PROVIDING FOR FLUSH COATING A PORTION OF LAVACA STREET AND PORTIONS OF SUNDRY OTHER STREETS IN THE CITY OF AUSTIN, TEXAS, LETTING CONTRACT THEREFOR, APPROVING FORM OF CONTRACT AND BOND, AND APPROPRIATING MONEY TO PAY THE COST THEREOF.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

I.

That a necessity exists that the hereinbelow mentioned streets in the City of Austin, Texas, be improved by flush coating the same with Bitulithic double flush coating, in accordance with the specifications therefor on file with the City of Austin, Texas:

LAVACA STREET from the north line of Sixth Street to the north line of Eleventh Street;

NINTH STREET from the west line of Congress Avenue to the east line of Lavaca Street;

TENTH STREET from the west line of Colorado Street to the east line of Lavaca Street;

II.

That the bid of the Southwest Bitulithic Company for such flush coating at and for the price of Fifteen Cents per square yard be and the same is accepted, and it is hereby ordered and provided that the contract for making such street improvement is hereby let to said Southwest Bitulithic Company, and the form for said contract having been submitted, together with a form of construction bond securing the performance of said contract, said forms of contract and bond are hereby approved and the City is hereby authorized and directed to execute a contract with said Southwest Bitulithic Company upon said form of contract in the name of the City of Austin, Texas, and to impress the corporate seal of said City thereon, and is authorized and directed to receive and approve a construction bond executed upon said form of bond, in the sum of \$961.00, upon presentation of said bond duly executed by said contractor and a surety company authorized to do business in the State of Texas.

It is ordered that any ordinance, resolution, rule or regulation requiring or providing for competitive bid shall be and the same is hereby waived and dispensed with and suspended for the purposes of the improvements herein ordered, and for the purpose of the contract hereby let.

III.

That the City of Austin shall and will pay in cash the entire cost of such flush coating, upon completion and acceptance thereof by the City of Austin.

IV.

That the sum of \$1950.00 is hereby appropriated out of the street improvement fund of the City of Austin for the purpose of the cost of such flush coating, which amount is to be kept in a sacred fund and applied to the purpose named.

The above resolution was adopted by the following vote: Ayes, Councilmen Alford, Gillis, Mayor McFadden, Councilmen Mueller and Steck, 5; nays, none.

The Mayor laid before the Council the following resolution:

RESOLUTION DECLARING THE NECESSITY FOR AND PROVIDING FOR FLUSH COATING A PORTION OF COLORADO STREET AND PORTIONS OF SUNDRY OTHER STREETS IN THE CITY OF AUSTIN, TEXAS, LETTING CONTRACT THEREFOR, APPROVING FORM OF CONTRACT AND BOND, AND APPROPRIATING MONEY TO PAY THE COST THEREOF.

The above resolution was read and laid over.

The Mayor laid before the Council the following resolution:

RESOLUTION DECLARING THE NECESSITY FOR AND PROVIDING FOR FLUSH COATING A PORTION OF WEST AVENUE IN THE CITY OF AUSTIN, TEXAS, LETTING CONTRACT THEREFOR, APPROVING FORM OF CONTRACT AND BOND, AND APPROPRIATING MONEY TO PAY THE COST THEREOF.

The above resolution was read and laid over.

The Mayor announced that the hearing on East Sixteenth Street from East Avenue to Navasota Street, District No. 52, which was continued from the last regular meeting, would be continued until the next regular meeting.

A letter from F. W. Sternenberg, accepting his appointment as a member of the Library Commission to fill the vacancy caused by the death of Col. A. P. Wooldridge, was read and filed.

No further business coming before the Council, Councilman Mueller moved to recess, subject to call of the Mayor. Motion was seconded by Councilman Alford, and same prevailed by the following vote: Ayes, Councilmen Alford, Gillis, Mayor McFadden, Councilmen Mueller and Steck, 5; nays, none.

The Council then recessed.

Approved: 

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